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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/000,435      | 11/30/2001  | Hans Burger          | 10537/185A          | 9723             |

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NEW YORK, NY 10004

EXAMINER

WILLIAMS, ERIC M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3681

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/000,435

Applicant(s)

BURGER HANS

Examiner

Eric M Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. This action is in response to the papers filed 12/30/2003 for serial number 10/000,435.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2003 has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kummich et al. ('020).

Kummich (Fig. 1) discloses a parking lock mechanism comprising a roller bearing outer race (9 has an outer race), an arrangement and a means for connecting the roller bearing outer race in a form fitting rotationally fixed manner to the transmission housing (22 is attached to bearing outer race 9 and 22 is connected to housing 11 via 12), an

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axially displaceable body (23), the body lockable with the roller bearing outer race (the body 23 is lockable with 20 via 19 and 20 is connected to 22 and 22 is attached to outer race of bearing 9), and the locking mechanism locked when the parking lock mechanism is engaged, the roller bearing outer race including a gearing arranged on an end face (the gear 20 is arranged on end face of 22).

5. Claims 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace ('502).

Wallace (Fig. 2) discloses a roller bearing outer race (69 and 67 is the outer race of bearing 73), an arrangement configured or a means for form-fitting torque transmission to a housing (the takeoff device of Wallace can be configured for form fitting torque transmission to housing 31), and a gearing arranged on a face of the roller bearing outer race engageable with a corresponding gearing (67 is engageable with 71).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich et al. ('020) in view of Buch et al. ('072).

Kummich discloses all the limitations of claims 3 and 4 including a roller bearing pair (8 and 9), but lacks the teaching of an X-arrangement bearing pair. Buch et al. (Fig. 1) discloses an X-arrangement roller bearing pair on a transmission shaft for absorbing axial loads. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bearing pair of Kummich such that it has an X-arrangement, in view of Buch, to absorb axial loads propagating through the driveline.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich in view of Buch as applied to claims 3 and 4 above, and further in view of Yarnell ('719).

Kummich in view of Buch discloses all the limitations of claim 5, but lacks any specific disclosure of the transmission housing including a light metal casted part. Yarnell teaches a transmission housing made of a casted aluminum material. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify the housing of Kummich in view of Buch such that it is a light metal casted part, in further view of Yarnell, to reduce the weight of the device.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace ('502) in view of Buch et al. ('072).

Wallace discloses all the limitations of claims 8 and 9, but lacks the teaching of an X-arrangement bearing pair. Buch et al. (Fig. 1) discloses an X-arrangement roller bearing pair on a transmission shaft for absorbing axial loads. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wallace such that it has an X-arrangement roller bearing pair, in view of Buch, to absorb axial loads propagating through the driveline.

***Response to Arguments***

**10.** Applicant's arguments filed 12/30/2003 have been fully considered but they are not persuasive.

Applicant argues the Kummich reference does not disclose an arrangement configured to connect the roller bearing outer race in a rotationally fixed manner to the transmission housing. As discussed in the above rejection, the Kummich reference does teach such an arrangement. The element 23 is connected to 22 via 20 and 22 is connected to housing 11 and 22 is connected to roller bearing outer race 9.

Applicant argues the Wallace reference does not disclose an arrangement configured or a means for form fitting torque transmission to a housing. The Wallace reference teaches a housing, which can be configured for form fitting torque transmission to a housing, or a means for form fitting torque transmission to a housing. That is the housing can be considered a means for or an arrangement configured for form fitting torque transmission to a housing.

**Conclusion**


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



EMW



CHARLES A MARMOR  
SUPERVISORY PATENT EXAMINER  
APT UNIT 3681